

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
April 1, 2002
7:00 P.M.**

MAYOR JOSEPH M. BUTLER PRESIDING

PRESENT: **COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN PAUL A. SIMMONS
COUNCILMAN JEFFREY M. SMITH
MAYOR BUTLER**

ALSO PRESENT: **CITY MANAGER JERRY C. HILLER
ASSISTANT CITY MANAGER MARY M. CORRIVEAU
CITY ATTORNEY ROBERT J. SLYE**

Assistant City Manager Mary M. Corriveau presented the following reports to the Council:

- No. 1 - Authorizing Sale of Real Property, Known as VL 317 Rutland Street North, Parcel No. 6-06-148.000
- No. 2 - Authorizing Sale of Real Property, Known as VL Main Avenue (formerly 401 Mill Street), Parcel No. 2-01-332.003
- No. 3 - Authorizing Sale of Real Property, Known as VL Main Avenue (formerly 401 Mill Street), Parcel No.2-01-332.004
- No. 4 - Authorizing Sale of Real Property, Known as VL 401Mill Street, Parcel No. 2-01-332.001
- No. 5 - Approving Agreement Between the City of Watertown and State of New York Unified Court System
- No. 6 - Approving Bid for Engine Street Roof Replacement
- No. 7 -Approving Agreement State Street Reconstruction, PIN 775273, Engineering Design, Clough Harbour and Associates, LLP
- No. 8 - Approving the Site Plan for the Construction of an Automobile Sales Lot at 302 Mechanic Street, Parcel No. 6-04-214
- No. 9 - An Ordinance Authorizing the Issuance of \$125,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Removal and Replacement of the Roof at the City-Owned Property at 337 Engine Street, In and For Said City of Watertown
- No.10-7: 30 p.m. -Approving the Special Use Permit Request to Allow an Automobile Sales Lot and Tenant Parking Area at 302 Mechanic Street, Parcel No. 6-04-214

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence in memory of David Fults, a recently retired firefighter who died this past week.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of March 18, 2002 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

Mayor Butler and Council members presented recognition certificates to the members of the IHC Girls' Basketball Team.

Mayor Butler proclaimed April as **Alcohol Awareness Month** and **Autism Awareness Month** in the City of Watertown.

COMMUNICATIONS

Minutes from the library's board meeting were received.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

David Converse, Converse Laboratories, Inc. addressed the chair answering questions posed by residents concerned with the salt pile. He explained that the testing would include air monitoring with corrosion test coupons in the Morrison/Burdick Streets area. This would be done once this spring and repeated in the late fall. Also, soil sampling would be conducted with analysis for pH, sodium, total chlorides and total cyanide. This will be done in the spring and repeated twice - once each in the summer and fall. Soil samples will be obtained in rear yards on a random grid developed by the laboratory.

Councilman Simmons questioned why this was going to take 6 months and extend so far into the fall.

Mr. Converse explained that they would be trying to capture the time frame when there would be activity at the site.

Councilman Clough also remarked that rail cars would not be unloading at this time, but would be in the fall.

Donald Thompson, Morrison Street, asked Mr. Converse if he was going to take samples around the pad where cracks are continuing to form. He also asked if the underground water was going to be tested.

Mr. Converse stated that this study was being done under the direction of the City and the pad was not part of it.

Mayor Butler, responding to the question concerning underground water, explained that each house is on City water and none of the residents are using wells for drinking water. Therefore, the underground water will not be tested.

Mr. Converse also explained that this is a study to check for corrosion and the extent of migration due to blowing. He also explained that samples of ground water would take a long time to show any contamination, as it is a very slow process.

Residents indicated that some of the homes do have wells, even though the water isn't used for drinking purposes.

Mayor Butler stated that it wouldn't take much to draw a base sample from two wells and check for cyanide and chloride.

Olivia Russell, Morrison Street, asked if Converse Labs had tested for this type of salt pile before.

Mr. Converse explained that most of the salt testing studies have been done near roadways and/or ditches. He also explained that wells, which were used for drinking water, were tested in areas where there were long-term salt piles.

Joseph Hale, Morrison Street, asked Mr. Converse if they were testing in the Snell Street area.

Mr. Converse explained that the testing would be in the area closest to the salt pile at this time.

Donald Thompson addressed the chair again to advise Council that the American Rock Salt representative had originally said that the pad would reduce flooding in that area. Mr. Thompson stated that there has been more flooding this year and more cracks are appearing.

Bart Bonner, Brookside Drive, addressed the chair stating that he feels the City should have volunteer firemen, have the Jefferson Co. Sheriff's Department take over the policing of Watertown, and bid all the DPW services out to private firms. He also questioned the need for the property maintenance code and stated that the City would raise the assessments on properties once improvements were made.

Mayor Butler advised Mr. Bonner that the City passed an ordinance which will allow for no increase in taxes for certain improvements.

PUBLIC HEARINGS

AT 7:30 P.M. MAYOR BUTLER ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING APPROVING THE SPECIAL USE PERMIT REQUEST TO ALLOW AN AUTOMOBILE SALES LOT AND TENANT PARKING AREA AT 302 MECHANIC STREET, PARCEL NO. 6-04-214.

MAYOR BUTLER DECLARED THE HEARING OPEN

No one spoke.

MAYOR BUTLER DECLARED THE HEARING CLOSED

R E S O L U T I O N S

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL 317 Rutland Street North, approximately 47' x 82' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 6-06-148.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$578.00 submitted by Randy John, for the purchase of Parcel No. 6-06-148.000 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Randy John upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH

ALL VOTING YEA

Prior to the votes on resolutions 2,3 and 4, Council discussed the sale of these parcels.

Councilman Simmons expressed concerns with what these would be used for or if they were being purchased for speculation.

Mr. Hiller explained that the City doesn't require reasons for the purchase. These parcels would all go to adjoining property owners.

Mayor Butler expressed his concerns with the fact that two of the parcels were being sold for \$.25 per square foot and the larger one was only for \$.15 per square foot. He stated that while Council realizes that Mr. Simao has done a lot for the City, the price should be at the same rate as the other parcels.

Councilman Smith asked if there was going to be another sign put up there.

Attorney Slye explained that this area is zoned light industry, the same as Factory Street. The sign on Factory Street required Council to designate it as a Planned Development District. He also explained that Mr. Warner bought a warehouse near the parcel he wants and will probably use it for parking.

Mayor Butler stated that his concern is that this is a major piece of property that might have more value if sold as one large parcel.

Councilman Clough explained that Mr. Warner had mentioned that he planned on putting a Red & Black museum in the building and using the parcel he wishes to purchase for parking and also putting in a field for development.

Councilman Smith stated that if someone had been interested in buying the entire property, they would have come forward before now.

Councilman Clough asked if the other purchasers would have recourse to come back on to the City if we sold one of the parcels for \$.15 per square foot and the others for \$.25 per square foot.

Attorney Slye responded no as they had made an offer and the City accepted it.

Mayor Butler reiterated the fact that it is important to stay consistent.

Motion was made to amend resolution #4. Entire motion is found following the resolution.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL Main Avenue (formerly 401

Mill Street), approximately .8720 acres in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 2-01-332.003, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$9,745.00 submitted by Richard Warner, for the purchase of Parcel No. 2-01-332.003 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Richard Warner upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL Main Avenue (formerly 401 Mill Street), approximately .42 acres in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 2-01-332.004, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the

Council on June 6, 1977, that the offer of \$4,694.00 submitted by Lewis DeShane, for the purchase of Parcel No. 2-01-332.004 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Lewis DeShane upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL 401 Mill Street, approximately 1.331 acres in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 2-01-332.001, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$8,697.00 submitted by P.J. Simao, for the purchase of Parcel No. 2-01-332.001 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to P.J. Simao upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS

MOTION WAS MADE BY COUNCILWOMAN BURNS TO AMEND THE RESOLUTION TO BE AT A PRICE OF \$.25 PER SQUARE FOOT AND GIVING MR. SIMAO UNTIL MONDAY, APRIL 8TH TO ACCEPT OR REJECT THE

OFFER. MOTION WAS SECONDED BY COUNCILMAN SIMMONS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City of Watertown, New York is responsible for providing and maintaining space for the operation of City Court, and

WHEREAS reimbursement for such services is available to the City from the Unified Court System of the State of New York,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Court Cleaning and Minor Repair Program Agreement between the City of Watertown and the State of New York Unified Court System for Fiscal Year 2001-2002, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Councilman Smith asked about the electric and gas usage not being included.

Mrs. Corriveau explained that these are not authorized charges.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City Purchasing Department has advertised and received sealed bids for the roof replacement at the City's Electric Facility on Engine Street, and

WHEREAS invitations to bid were issued to fifteen (15) prospective bidders, and

WHEREAS the ten (10) bids received were publicly opened and read on Tuesday, March 12, 2002, at 10:30 a.m. in the City Purchasing Department, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids with City Engineer Norman Liu and is recommending that the City Council accept the lowest qualifying bid submitted by Grenadier Construction, Watertown, New York, in the amount of \$85,916,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid in the amount of \$85,916 submitted by Grenadier Construction, Watertown, New York, for the roof replacement at the City's Electric Facility on Engine Street, and

BE IT FURTHER RESOLVED that acceptance of the bid is subject to the City Council's approval of the bonding in support of this project.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Councilman Smith questioned if the lowest bidder of the project was aware of the total job as he didn't want to see over runs after the project is started.

Mrs. Corriveau explained that all the bidders received the specs for the roof job. Due to the nature of roof projects, no one ever knows what will be found under the existing roof.

Councilman Smith asked if the contractors saw the roof and read the specs. He suggested that the specs state that the contractor will be responsible for any additional costs incurred.

Mr. Hiller remarked that if a project were bid shifting the risk to the contractor, the bids would come in much higher.

Councilman Simmons asked if the bidders were on the roof.

Mr. Hayes explained that this is the City Engineering Department's project. However, he thinks that everyone did walk on the roof.

Councilman Simmons remarked that the bidders should know what is under the roof as it is what they do for a living.

Mr. Hiller also advised Council that a roof installer has to be certified by the company to install their brands of roofing.

The wide range of bids was discussed.

Mr. Hiller explained that given the number of bids, it is common to see a wide range.

Councilman Clough asked about the timing for the bonding.

Mr. McCauley explained that if the bond ordinance were approved, he would borrow \$88,000. If it is determined later that the project will cost more, the issue will have to come back before the Council.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on March 19, 2001 the City Council of the City of Watertown adopted a resolution authorizing the approval of the Master Federal Aid Local Agreement in the amount of \$710,000 of the costs of the Preliminary Engineering & Right-of-Way Incidentals, and

WHEREAS in support of this project, the City Engineering Department has negotiated a contract with Clough Harbour and Associates for the design of the State Street Reconstruction in the amount of \$998,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the contract with Clough Harbour and Associates, LLP, in an amount not to exceed \$998,000, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that approval of this contract is subject to the City receiving funding under the Master Federal Aid Local Agreement to cover the Federal and State shares of the project, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown, Joseph M. Butler, is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST TO ALLOW AN AUTOMOBILE SALES LOT AND TENANT PARKING AREA AT 302 MECHANIC STREET, PARCEL NO. 6-04-214 WAS PRESENTED TO COUNCIL. (Introduced on March 18, 2002; public hearing held this evening; appears in its entirety on page 59 of the 2002 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Charles L. Fluno, P.E., has made application for site plan approval on behalf of David and Lyndell Massey of Motors-N-More for the construction of an automobile sales lot at 302 Mechanic Street, Parcel No. 6-04-214, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on March 5, 2002, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That the drainage plan be constructed by August 1, 2002.

And,

WHEREAS the City Council has reviewed the Short Environment Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Charles L. Fluno, P.E., on behalf of David and Lyndell Massey of Motors-N-More for the construction of an automobile sales lot at 302 Mechanic Street, Parcel No. 6-04-214 as shown on plans submitted to the City Engineer on February 15, 2002, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

ORDINANCES

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the removal and replacement of the roof at the City-owned property at 337 Engine Street, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in

connection therewith, there are hereby authorized to be issued \$125,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$125,000 and that the plan for the financing thereof is by the issuance of the \$125,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid received by said City for such specific object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, said building being a class "B" building within the meaning of subdivision 11 of said paragraph.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining

annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS

(Unanimous consent moved by Councilman Clough, seconded by Councilwoman Burns and carried with all voting in favor thereof).

Councilman Smith remarked that Council is being asked to bond for \$125,000. However, he questioned if Council would then be asked to rubber stamp change orders after the work had been completed.

Mr. Hiller explained that probably the change orders would come to Council after the work had been completed due to timing.

Councilman Smith questioned if change orders are needed and the work is done and Council doesn't agree, what is the sense of Council voting on the issue.

Mr. Hiller explained that the Engineering Department issues the change orders, not the contractor. The contractor doesn't have a blank check.

Councilman Simmons stated that he believes that a 10% overrun is sufficient. Therefore, he suggested that the amount of bonding be \$95,000 and not \$125,000.

MOTION WAS MADE BY COUNCILMAN SIMMONS TO AMEND THE ORDINANCE TO READ \$95,000 SERIAL BONDS. MOTION WAS SECONDED BY COUNCILMAN SMITH AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCILMAN SIMMONS AND COUNCILMAN SMITH VOTING YEA

Councilman Clough asked if the Council could wait to vote on the ordinance until after Mr. Liu answered questions concerning this project.

Attorney Slye and Mrs. Corriveau explained that work would not start on this project until the ordinance is passed.

Councilwoman Burns stated that it is important to hear from Mr. Liu concerning this project. She stated that this is another time when the City Engineer should have been available to address Council's questions.

Mr. Hiller explained that Mr. Liu had been called out of town.

Mrs. Corriveau suggested that when Council adjourns this evening they should adjourn to Monday, April 8th. At that time, Mr. Liu will be available to address any concerns.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TABLE THE FOREGOING ORDINANCE. MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN SIMMONS VOTING NAY

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Budget 2002-2003

Mr. Hiller presented the proposed budget to Council. It calls for a 20% tax increase if the City wishes to retain the status quo budget. He also advised that the budget shows a 27% increase in the sewer fund rates.

Councilman Smith questioned the fund balance appropriations.

Mr. Hiller explained that the fund balance is not calculated until the end of the year.

Mr. Hiller explained that all vacancies are fully budgeted in this budget as well as all existing services and programs.

Mayor Butler remarked that he would like to see the current hiring freeze continued.

Councilman Clough stated that he would also like to see the spending freeze continued.

Councilman Smith asked to have Council supplied with a report outlining the impact these freezes have on departments, services and programs, as well as what would happen if the freeze becomes permanent.

Dates for Budget Sessions:

Monday, April 22nd – 6 p.m.

Thursday, April 25th – 6 p.m.

Monday, April 29th – 6 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:49 P.M. UNTIL MONDAY, APRIL 8TH AT 7:00 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton, City Clerk